

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 CPR-02 SY-10 A-01 AF-10 ARA-16 EA-11

EUR-25 NEA-10 DRC-01 /197 W
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FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 519

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

REFS: (A) USUN 4173; (B) USUN 4155

1. PRIOR TO MORNING MEETING LEGAL COMMITTEE OCT 25
SOVIET REP (FEDEROV) APPROACHED DELOFF TO REITERATE
STRONG SOVIET OBJECTIONS TO US AMENDMENT TO ARTICLE 12
(ON DISPUTE SETTLEMENT). FEDOROV SAID AMENDMENT CLEARLY
UNACCEPTABLE TO SOVIETS AND IF ADOPTED USSR WOULD WASH
ITS HANDS OF CONVENTION ON PROTECTION OF DIPLOMATS. HE
ASKED WHETHER IT REALLY US INTENTION TO KEEP USSR OUT.
COMMENT: USDEL UNCERTAIN HOW MUCH BLUSTER CONTAINED IN
THIS DEMARCHE. END COMMENT.

2. DURING DEBATE IN LEGAL COMMITTEE ON ARTICLE 12
COMMENT CONTINUED TO RUN SOMEWHAT FAVORABLY TO US
AMENDMENT AND USDEL ESTIMATED THAT THERE GOOD CHANCE IT
WOULD BE ADOPTED IF PUT TO VOTE.

ZEM FEDOROV MADE STATEMENT THAT IN VIEW OF STRONG
SENTIMENT IN LEGAL COMMITTEE FAVORING INCLUSION IF DISPUTE
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SETTLEMENT CLAUSE, USSR WILLING NOT TO PRESS TO VOTE ITS

AMENDMENT TO DELETE ARTICLE 12 PROVIDED THAT US WOULD NOT PRESS ITS AMENDMENT TO VOTE. FEDOROV SAID USSR WOULD BE WILLING TO AGREE TO ALTERNATIVE B OF ILC TEXT OF ARTICLE 12 (I.E. HAGUE FORMULA). CZECHS MADE SIMILAR STATEMENT THAT THEY COULD ACCEPT ALTERNATIVE B.

4. IN RESPONSE TO INQUIRIES ABOUT US POSITION ON SOVIET OFFER, US REP JOINED OTHERS EXPRESSING APPRECIATION OF SOVIET FLEXIBILITY. HE SAID HE DID NOT WANT TO HOLD UP WORK AND WANTED EQUALLY TO BE FLEXIBLE. HOWEVER, IN VIEW OF STRONG US SENTIMENT IN FAVOR OF US AMENDMENT, HE SUGGESTED THAT CHAIR HOLD OFF DECISION ON ARTICLE 12 UNTIL BEGINNING OF AFTERNOON MEETING SO THAT USDEL COULD CONSULT OTHER DELS.

5. DESPITE SOME MILD EXPRESSIONS THAT US SHOULD MAINTAIN ITS AMENDMENT, INFORMAL CONSULTATIONS REVEALED THAT MOST DELS READY TO ACCEPT ALTERNATIVE B AND HAPPY TO AVOID VOTE AND TO MAKE PROGRESS.

6. USDEL PROCURED TELEPHONIC AUTHORIZATION TO WITHDRAW AMENDMENT (BETTAUER-NELSON AND KEARNEY TELECONS), BUT DETERMINED TO EXTRACT MAXIMUM CONCESSIONS FROM SOVIETS ON OTHER ISSUES PRIOR TO WITHDRAWING IT. SOVIETS OBVIOUSLY CONCERNED THAT US AMENDMENT MIGHT BE ADOPTED AND USDEL HAS SOME LEVERAGE TO SEEK CONCESSIONS ON ARTICLE 2 (PROMISE TO COOPERATE IN DRAFTING COMMITTEE; PROMISE NOT TO PRESS SOVIET AMENDMENTS TO ARTICLE 2; PROMISES ON MOTIVE AND NATIONAL LIBERATION MOVEMENT ASPECTS). WE NOT CERTAIN HOW MUCH PROGRESS WE CAN MAKEN BUT CONSIDER IT WORTH TRYING.

7. CHAIRMAN GONZALEZ GALVEZ INFORMED BY USDEL THAT USSR AND US IN PROCESS OF CONSLTING ON ARTICLE 12 AND COMMITTEE THEREFORE WENT ON TO ARTICLE 2 (SEPTELS) DURING AFTERNOON MEETING OCT 25. GONZALEZ GALVEZ ANNOUNCED THAT COMMITTEE WOULD WRAP UP ARTICLE 12 AT NEXT MEETING OCT 29. (OCT 26-27 RESERVED FOR MEETINGS OF DRAFTING COMMITTEE.)

8. USDEL INTENDS TAKE UP MATTER WITH KOLESNIK (USSR) OCT 26.
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